

118TH CONGRESS
1ST SESSION

H. R. 3371

To direct the Secretary of the Interior to complete all actions necessary for certain land to be held in restricted fee status by the Oglala Sioux Tribe and Cheyenne River Sioux Tribe, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2023

Mr. JOHNSON of South Dakota introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To direct the Secretary of the Interior to complete all actions necessary for certain land to be held in restricted fee status by the Oglala Sioux Tribe and Cheyenne River Sioux Tribe, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wounded Knee Mas-
5 sacre Memorial and Sacred Site Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) RESTRICTED FEE STATUS.—The term “re-
2 stricted fee status” means a status in which the
3 Tribal land—

4 (A) shall continue to be owned by the
5 Tribes;

6 (B) shall be part of the Pine Ridge Indian
7 Reservation and expressly made subject to the
8 civil and criminal jurisdiction of the Oglala
9 Sioux Tribe;

10 (C) shall not be transferred without the
11 consent of Congress and the Tribes;

12 (D) shall not be subject to taxation by a
13 State or local government; and

14 (E) shall not be subject to any provision of
15 law providing for the review or approval by the
16 Secretary of the Interior before the Tribes may
17 use the land for any purpose as allowed by the
18 document titled “Covenant Between the Oglala
19 Sioux Tribe and the Cheyenne River Sioux
20 Tribe” and dated October 21, 2022, directly, or
21 through agreement with another party.

22 (2) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior.

24 (3) TRIBAL LAND.—The term “Tribal land”
25 means the approximately 40 acres (including the

1 surface and subsurface estate, and mineral estate,
2 and any and all improvements, structures, and per-
3 sonal property on those acres) on the Pine Ridge In-
4 dian Reservation in Oglala Lakota County, at Rural
5 County Road 4, Wounded Knee, South Dakota, and
6 generally depicted as “Area of Interest” on the map
7 entitled “Wounded Knee Sacred Site and Memorial
8 Land” and dated October 26, 2022, which is a seg-
9 ment of the December 29, 1890, Wounded Knee
10 Massacre site.

11 (4) TRIBES.—The term “Tribes” means the
12 Oglala Sioux Tribe and Cheyenne River Sioux Tribe
13 of the Cheyenne River Reservation, both tribes being
14 among the constituent tribes of the Great Sioux Na-
15 tion and signatories to the Fort Laramie Treaty of
16 1868 between the United States of America and the
17 Great Sioux Nation, 15 Stat. 635.

18 **SEC. 3. LAND HELD IN RESTRICTED FEE STATUS BY THE**
19 **TRIBES.**

20 (a) ACTION BY SECRETARY.—Not later than 365
21 days after enactment of this Act, the Secretary shall—

22 (1) complete all actions, including documenta-
23 tion and minor corrections to the survey and legal
24 description of Tribal land, necessary for the Tribal

1 land to be held by the Tribes in restricted fee status;
2 and

3 (2) appropriately assign each applicable private
4 and municipal utility and service right or agreement
5 with regard to the Tribal land.

6 (b) CONDITIONS.—

7 (1) FEDERAL LAWS RELATING TO INDIAN
8 LAND.—Except as otherwise provided in this Act,
9 the Tribal land shall be subject to Federal laws re-
10 lating to Indian country, as defined by section 1151
11 of title 18, United States Code and protected by the
12 restriction against alienation in section 177 of title
13 25, United States Code.

14 (2) USE OF LAND.—The Tribal land shall be
15 used for the purposes allowed by the document titled
16 “Covenant Between the Oglala Sioux Tribe and the
17 Cheyenne River Sioux Tribe” and dated October 21,
18 2022.

19 (3) ENCUMBRANCES AND AGREEMENTS.—The
20 Tribal land shall remain subject to any private or
21 municipal encumbrance, right-of-way, restriction,
22 easement of record, or utility service agreement in
23 effect on the date of the enactment of this Act.

24 (4) GAMING.—Pursuant to the document titled
25 “Covenant Between the Oglala Sioux Tribe and the

1 Cheyenne River Sioux Tribe” and dated October 21,
2 2022, the Tribal land shall not be used for gaming
3 activity under the Indian Gaming Regulatory Act
4 (25 U.S.C. 2701 et seq.).

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